

Remarks

Claims 6, 19 and 20 are canceled.

Claims 1, 4, 5, 8, 9 and 13 are amended.

Claims 1-5 and 7-16 are now pending and are under consideration.

The claims are amended to delete reference to compounds of formula Ia and IIa.

No new matter is added.

Claims 19 and 20 are rejected under 35 USC 102(b) as being anticipated by Nesvadba, et al., WO 0007981.

Claims 1-3, 5 and 8-14 are rejected under 35 USC 103(a) as being unpatentable over Nesvadba.

Claims 1-5, 8-11, 13-14 and 19-20 are rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 7 and 14-18 of U.S. Pat. No. 6,518,326.

Claims 15 and 16 are allowed.

Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but are otherwise allowable.

Applicants submit that the present amendments place the claims in condition for allowance.

Applicants submit that each of the present claim rejections and objections are addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are in condition for allowance and respectfully request that they be found allowable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Stevenson', written over a horizontal line.

Tyler A. Stevenson
Agent for Applicants
Reg. No. 46,388

Ciba Specialty Chemicals Corp.
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591-9005
Tel. (914)785-2783
Fax (914)785-7102